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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,879

04/01/2005

Yuusuke Inoue

2005_0539A

7790

513 7590 05/21/2008

WENDEROTH, LIND & PONACK, L.L.P.

2033 K STREET N. W.

SUITE 800

WASHINGTON, DC 20006-1021

EXAMINER

GRAHAM, GARY K

ART UNIT

PAPER NUMBER

3723

MAIL DATE

DELIVERY MODE

05/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/529,879	Applicant(s) INOUE, YUUSUKE	
	Examiner Gary K. Graham	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/2005, 11/2005, 3/2006, 11/2007, 4/2008</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 16 November 2005 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) **a list of all patents, publications, applications, or other information submitted for consideration by the Office;** (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 12, line 2, it appears that “on an opposite side of the wiper arm with respect to the pivot pin” is not accurate. It appears ---on an opposite side of the pivot pin with respect to the wiper arm--- would be more appropriate.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Young III, et al (US patent 5,920,950).

The patent to Young discloses the invention as is claimed. Young discloses a one piece connector (fig.3,5) used in rotatably joining a wiper arm, either hooked or side pin type, to a wiper blade (fig.1). The connector is comprised of a base member (20), a locking member (30) and a flexible connecting member (32) connecting ends of the base and locking members together. The base member includes a portion (24) for fitting into a hook portion of a wiper arm and portion (52, note that in figures 3,5 numeral “50” identifying the holes should be ---52---) for receiving the side pin (not shown but disclosed) of a wiper arm that first extends through openings (18) in the sides of the blade. The portion (26) is to receive a central pivot pin of the wiper blade when the hooked type wiper arm is attached. The locking member can support a hook portion of a wiper arm by sandwiching the hook portion between the locking member and the base member. The locking

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member can also engage the side pin of the wiper arm by engagement portion (54). The locking member includes arms (37) for operative engagement with the base member.

With respect to claim 3, the side plates (22) will abut against the walls (17) of the wiper blade main body (10) and effect vibration restriction, at least as far as defined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charng (US patent 6,000,093) in view of Young III, et al (5,920,950).

The patent to Charng discloses the invention substantially as is claimed. Charng discloses a connector (6, fig.11) used in rotatably joining a wiper arm (18), either hooked (fig.13) or side pin (fig.12) type, to a wiper blade (2). The connector is comprised of a base member with an arcuate recess to receive the orthogonal wiper blade pin (23) and arcuate recesses (62,63) to receive different sized side pins (173,174) of the pin type wiper arm. A locking member (61) is hinged to the base member and acts to sandwich the hooked type wiper arm to the base member and by fitting with the base member to retain the pins (173,174) in the arcuate recesses in the base member.

The patent to Charng discloses all of the above recited subject matter with the exception of a flexible connecting member of one piece with the locking member and base member to join the

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locking member to the base member and the opening being disposed on an opposite side of the wiper arm with respect to the pivot pin.

The patent to Young discloses all of the above recited subject matter.

While it appears that Charng employs a flexible connecting member of one piece with the base member and locking member he does not clearly state such. However, it would have been obvious to one of skill in the art to provide the connector of Charng with a flexible connecting member that is of one piece with the base member and the locking member, as clearly suggested by Young, to provide reduced assembly steps in making the connector. One piece construction is a well known manufacturing technique.

With respect to claim 3, the side plates of Charng (see fig.11) will abut against the walls (not numbered but shown in figure 1) of the wiper blade main body (2) and effect vibration restriction, at least as far as defined.

With respect to claim 7, note that defining the locking member as being “designed to fit to” does not define any particular structure not disclosed by Charng.

With respect to claim 12, while Charng shows the openings (24,25) on the same side of the pivot pin as the wiper arm, to shift the location of such appears an obvious variation of Charng. As the operation of the device does not appear to be modified by such shifting, it appears as an obvious design choice to merely move the openings from one side of the pivot pin to the other.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary K Graham/
Primary Examiner, Art Unit 3723

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GKG

11 May 2008